



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number:	3005205
Applicant Name:	David Van Skike
Address of Proposal:	5355 28 th Ave NW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Application to allow a minor vessel repair and installation of a 2,970 sq. ft. floating shed in a shoreline environmentally critical area. Repair shed to be secured to the existing floating pier. Existing commercial moorage to remain.

The following approvals are required:

- **Shoreline Substantial Development Permit**
(SMC Chapter 23.60)
- **SEPA - Environmental Determination**
(SMC Chapter 25.05)

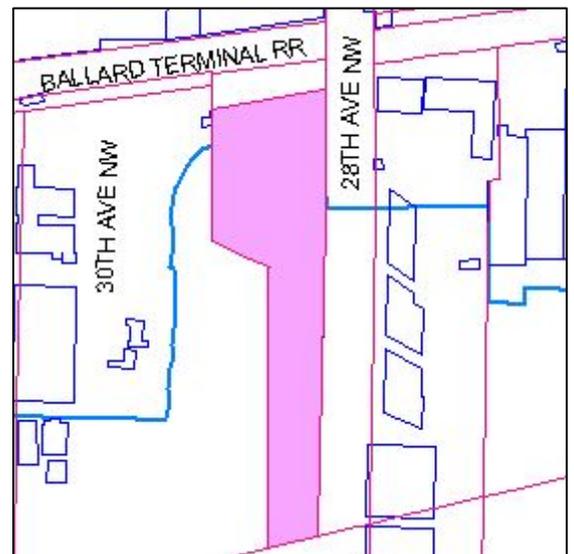


Figure 1 – Location of parcel (Seaborn Marina)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Area and Vicinity Development

The subject site is located on a waterfront parcel on the Salmon Bay Waterway, a block south of NW Market Street and just west of 28th Ave NW at the Seaborn Marina. The site is zoned Industrial General 1 with an unlimited height limit for industrial uses and 65 feet for non-industrial uses (IG1 U/65) and is within an Urban Industrial (UI) shoreline environment.

The parcel containing the marina has an area of approximately 1.3 acres, including submerged land. The site consists of a small office building (approximately 1,500 sq. ft., built in 1948), two small storage buildings (circa 1958), a concrete bulkhead area, and a long pier serving as commercial moorage.

The surrounding property on the south side of NW 54th street is also zoned IG1-U/65', while the properties on the upland side of NW 54th street are zoned IG2-U/65'. Salmon Bay Waterway abuts the site on the southern boundary; the Ballard Locks is a short distance away to the west.



Figure 2 - Aerial of Parcel (north is up)

Proposal

The proposal is to moor a floating boat repair shed to be used for minor vessel repair. The shed will measure 90 feet by 33 feet, for a total square footage of 2,970 s.f. The shed will draw between three to four feet of water (when empty) and will be moored approximately 5 feet from the existing concrete bulkhead, between the concrete pier and the south property line. The proposed 33 foot width of the structure would occupy nearly the total width from the concrete pier to the property line. (See attached diagram). The depth of the water at this location is approximately 8 to 9 feet. The existing concrete pier that the shed will be moored to measures 10 feet wide by 75 feet long.

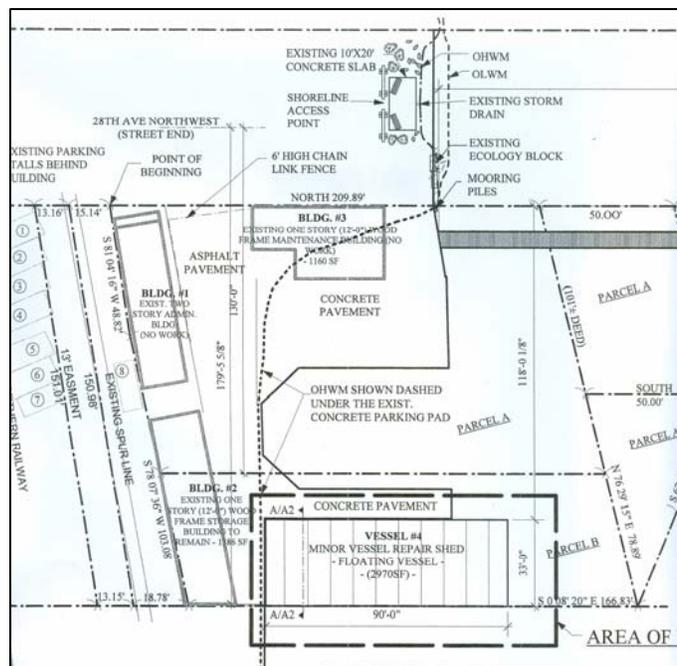


Figure 3 – Proposed location of Vessel Repair Shed within the Seaborn Marina (North is to the left)

The proposed facility would be constructed off-site and moved into place, thus minimizing any construction impacts associated with the project.

Public Comment

The public comment period ended on 9/28/07. One comment was received from a representative of the Muckleshoot Tribe. Concerns included whether state permits were to be obtained, and water quality and shade impacts on salmon and tribal fisheries.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Substantial Development Permit Required

The project site is within the Urban Industrial (UI) shoreline environment. Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter (SMC 23.60); and*
- C. *The provisions of Chapter 173-27 WAC.*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the State to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy contemplates protecting against effects to public health, the land use and its vegetation and wild life, and the waters of the state and their aquatic life, while protecting public right to navigation and corollary incidental rights. Permitted uses in the shoreline shall be designed and conducted in a manner to minimize, insofar as possible, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local Shoreline Master Program, codified in the Seattle Municipal Code at Chapter 23.60 that also incorporates the provisions of Chapter 173-27 WAC. Development on the shorelines of the state is not to be undertaken unless

it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions. As the following analysis will demonstrate, the subject proposal is consistent with the procedures outlined in RCW 90.58. and the provisions of Chapter 173-27 WAC.

B. THE REGULATIONS OF SMC CHAPTER 23.60

The regulations of SMC, Section 23.60.064 require that the proposed use(s):

1. Be permitted in the shoreline environment and the underlying zoning district;
2. Conform to all applicable development standards of both the shoreline environment and underlying zoning; and
3. Satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

1. SMC 23.60.004 - Shoreline Policies and Locational Criteria

The Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district.

The proposed development action will occur over water and is located within an Urban Industrial (UI) shoreline environment. The purpose of the UI Environment is to provide efficient use of industrial shorelines for water-dependent and water-related industrial uses. Thus, the code allows marine retail sales and services uses, including the proposed minor vessel repair, outright over water, as a principal use on a waterfront lot within the Urban Industrial (UI) Shoreline Environment (SMC 23.60.840).

2. Development Standards

Marine retail sales and services must meet the development standards for the UI Environment (SMC 23.60.870), as well as the general development standards for all shoreline environments (SMC 23.60.152). Additionally, the proposed project must also meet the development standards of the underlying General Industrial (IG1 U/65) zone (SMC 23.50). The Director may attach to the permit or authorize any conditions necessary to carry out the spirit and purpose of, and ensure the compliance with, the Seattle Shoreline Master Program (SMC 23.60.064).

The proposed action is therefore subject to the following general and specific shoreline development standards:

2A. General Development Standards for all Shoreline Environments (SMC 23.60.152)

These general standards apply to all uses in the shoreline environments. They require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity. All shoreline development and uses must:

- 1) minimize and control any increase in surface water runoff so that receiving water quality and shoreline properties are not adversely affected;
- 2) be located, designed, constructed, and managed in a manner that minimizes adverse impact to surrounding land and water uses and is compatible with the affected area; and
- 3) be located, constructed, and operated so as not to be a hazard to public health and safety.

The floating boat repair structure, as conditioned and mitigated, is consistent with the general standards for development within the shoreline area. General development standards (SMC 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land and water. The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. A condition is imposed on this permit pursuant to Shoreline and SEPA authority, to ensure that Best Management Practices are followed when moving the boat repair shed into place and that Operational Best Management Practices are followed by all users of the boat repair facility throughout the life of its use. To ensure conformance with the General Development Standards and the Shoreline Master Program, the proponent will be required to notify contractors and subcontractors of the conditions of this permit.

For further discussion of Best Management Practices and limitations on operations pursuant to State NPDES permitting for water quality, see the section on “State NPDES Requirements for Boat Yards” following section C.

2B. Development Standards for UI Shoreline Environments (SMC 23.60.870)

The development standards set forth in the Urban Industrial Shoreline Environment are as follows:

SMC 23.60.872 Height in the UI Environment. The development standard limits the height of structures to a maximum height of 35-ft. The proposed floating repair shed will be 35 feet or less in height.

SMC 23.60.874 Lot coverage in the UI Environment. Structures may occupy up to one hundred percent of both submerged and dry-land areas of waterfront lots in the UI environment.

SMC 23.60.874 View corridors in the UI Environment. A view corridor is not required for this project, since water-dependent and water-related uses occupy more than 50 percent of the dry land portion of the lot.

SMC 23.60.880 Development standards specific to water-related uses on waterfront lots in the UI Environment. Water-related uses shall be designed and located on the shoreline to encourage efficient use of the shoreline. Design considerations may include setbacks from all or a portion of the waters' edge, joint use of piers and wharves with other water-related or water-dependent uses, development of the lot with a mixture of water-related and water-dependent uses, or other means of ensuring continued efficient use of the shoreline.

The proposed repair shed would be located off the existing bulkhead and pier in an area that is already frequently used for docking of large vessels.

SMC 23.60.882 Regulated public access in the UI Environment. This use is considered a water-related use and is not required to provide public access.

3. Shoreline Variance, Conditional Use or Special Use Permits

No variance, conditional use or special use permits are requested or required for the proposed use.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 of the WAC, sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporate the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

STATE NPDES REQUIREMENTS FOR BOAT YARDS

The facility has proposed to follow Operational Best Management Practices (BMPs) as outlined in the conditions section of this decision. The Operational BMPs are drawn from the State's "Boatyard General Permit" that outlines typical issues and practices relevant to control water quality in and around boatyards. . The system of "General Permits" for various industries has been developed by the Department of Ecology as part of the National Pollutant Discharge Elimination System (NPDES) to implement the Clean Water Act and control discharges of pollutants to waters of the state.

A Boatyard is defined as:

a commercial business engaged in the construction, repair and maintenance of small vessels, 85% of which are 65 feet or less in length, or revenues from which constitute more than 85% of gross receipts. Services typically provided include, but are not limited to: pressure washing hulls, painting and coating, engine and propulsion system repair and replacement, hull repair, joinery, bilge cleaning, fuel and lubrication system repair and replacement, welding and grinding of hull, buffing and waxing, marine sanitation device (MSD) repair and replacement, and other activities necessary to maintain a vessel. This definition includes mobile facilities."

Under the State NPDES requirements, a boatyard must obtain coverage under the Boatyard General Permit, including filing of a Stormwater Pollution Prevention Plan and regular monitoring of water quality on site.

The current Boatyard General Permit is quite relevant to the discussion of water quality in and around minor repair facilities such as the one proposed. The General Permit has recently been revised by the Department of Ecology, based on an environmental challenge to better monitor levels of copper, lead, and zinc, which are causing increasing concerns for fish populations, and also to meet industry concerns regarding practical matters in implementing the regulations. The revised permit became effective on January 18, 2008.

Businesses limiting themselves to a certain level of minor boat repair activity may be exempt from needing to obtain a Boatyard General permit. The proposed minor vessel repair facility has claimed that it will be exempt from the Boatyard General Permit and is limiting itself under the following section of the permit:

Boatyards that only provide the following services or conduct boatyard activities exclusively indoors **do not** require coverage under this permit:

- Use of tidal grids solely for emergency repair and marine surveys,
- Minor engine repair or maintenance within the engine space without vessel haulout,
- Topside cleaning, detailing and bright work,
- Electronics servicing and maintenance,
- Marine Sanitation Device (MSD) servicing and repair that do not require haul-out,
- Vessel rigging, minor repairs or modifications (25% or less of the vessel's surface to the vessel's superstructure).

It is imperative that the facility limit its activity based on these standards, and also be sure to observe the Best Management Practices and limitations for Boatyards, including the prohibition on work on the vessel's hull while the vessel is afloat:

Limitation on In-Water Vessel Maintenance and Repair (Page 17 of Permit)

Cleaning, repair, modifications, surface preparation or coating of any portion of a vessel's hull while the vessel is afloat is prohibited. If this work is necessary, then the vessel shall be hauled out into the upland portion of a facility covered by this general permit or a facility covered by an individual permit issued in accordance with the provisions of Chapter 173-220 WAC.

To ensure that Best Management Practices are observed for the minor repair facility, a condition requires all persons using the facility to read and sign acknowledgement of the practices. The Best Management Practices Plan is laid out in Attachment A.

The proposed project for the boat repair shed will result in a net increase in overwater coverage. See discussion that follows under SEPA ANALYSIS – *Plants and Animals*. To address mitigation of this impact, a mitigation plan will need to be developed by a qualified professional showing removal of overwater coverage and/or appropriate restoration of shoreline conditions in Lake Washington Ship Canal or Lake Union that is acceptable to City of Seattle DPD and of

appropriate scale to mitigate for short-term and long-term impacts to aquatic habitat caused by this project together. Alternatively, a payment can be made in lieu of a mitigation plan as acceptable mitigation. The payment would be used by the City to fund a capital project to improve the shoreline at a location adjacent to the Lake Washington Ship Canal or Lake Union. The capital project would contribute to the enhancement of the aquatic environment within the same drainage basin and as close to the impacted area as possible. The payment in lieu would mitigate the impacts of the project and benefit the fish population and aquatic environment equivalent to development of a mitigation plan for such by the developer.

Summary

The proposed project, as conditioned, including the proposed mitigation, is consistent with the provisions set forth by 90.58 RCW, 173-27 WAC, and Chapter 23.60 SMC also known as the Seattle Shoreline Master Program (SSMP), thereby minimizing any adverse impact to the shoreline environment, to water quality, to the natural shoreline processes, and the surrounding land and water uses.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The Shoreline Substantial Development Permit is **CONDITIONALLY GRANTED** subject to the conditions listed at the end of this decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 8/16/07, the Biological Evaluation (BE) dated 12/7/07, and light/shade analysis dated 12/7/07. This information, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

Construction Impacts

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities.

Typical construction-related impacts such as noise, dust, and fumes from construction are not anticipated since the shed will be constructed off-site and moved to the site. A temporary increase in water turbidity as the structure is moved into place is anticipated. Any cleanup of surface debris, while creating a long-term benefit, would contribute to some water turbidity during the cleanup operations. Disturbance of the aquatic environment and displacement of some fish wildlife species due to the action of moving the structure into place will be limited in duration. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Federal and State regulations and permitting authority (Section 10 Permit, 404 Permit from the Army Corps and HPA permit from Washington Department of Fish and Wildlife) are effective to control short-term impacts on water quality. Compliance with these codes and/or ordinances will lessen the environmental impacts of the proposed project.

The time-frame for moving the vessel into place and for removal of underwater debris will be restricted to October 1 through April 15, consistent with the Corps of Engineers Chinook Salmon and Bull Trout Work Windows for the Lake Washington Ship Canal System.

Construction activities are not expected to affect traffic or land uses in the surrounding area.

No further SEPA conditioning of potential short-term impacts appears to be warranted.

Long-Term Impacts

Long-term or use related impacts are also anticipated from the proposal and include: increased overwater coverage and possibly increased human activity in the shoreline environment, which can lead to increased adverse impacts on fish behavior and habitat. These long-term impacts may be considered minor, if appropriately mitigated, resulting in a determination of non-significance. Therefore the long-term impacts merit more detailed discussion in relation to the need for mitigation.

Plants and Animals

The structures are located entirely over water for a total of 2,970 sq. ft. of new overwater coverage.

Chinook salmon, a species listed as threatened under the Endangered Species Act (ESA) in March 1999, are known to inhabit the Lake Washington Ship Canal including the proposed project area. Under the City of Seattle's Environmental Policies and Procedures 25.05.675 N (2) it states in part: *A high priority shall also be given to meeting the needs of state and federal threatened, endangered, and sensitive species of both plants and animals.*

This project is proposed to occur in the aquatic and shoreline environment of the Lake Washington Ship Canal, which is habitat of Chinook salmon. The project site serves as a migration corridor as well as potentially a rearing area for juvenile Chinook salmon from the Cedar River and other water bodies in Water Resource Inventory Area 8. Additionally, predators of juvenile Chinook are known to inhabit areas under overwater structures and may use these areas as cover while preying on juvenile Chinook. Small mouth bass, an introduced predator of juvenile Chinook, also use the base of pilings under pier structures as nesting sites.

Overwater coverage reduces the amount and quality of natural habitat of juvenile Chinook salmon and provides habitat for predator species of juvenile Chinook. The location of the overwater coverage is in the littoral zone (water depth of less than 9 feet). This is of concern since juvenile salmon fry have a strong affinity for shoreline habitat and avoids swimming under large artificial structures, thus decreases their habitat. As the fish get bigger, the larger salmon smolts are reported to migrate toward deeper water and the south side of the channel as they travel toward the locks. The Biological Evaluation also reported that the primary predator, small mouth Bass tend to be in low concentrations in the shallow waters of Salmon Bay, preferring deeper rockier areas. Large mouth bass prefer Coho, but will prey on juvenile Chinook. While these factors reduce the potential impact, the increase in over-water coverage is still of concern and needs to be mitigated to the extent feasible. Providing translucent walls and roof for the structure decreases the shadow impacts. A translucent roof and translucent walls will be provided where feasible. However, the west side of the facility sits on the property line and may require a solid fire-rated wall.

While translucent walls reduce the impact of the coverage, the footprint of the structure (2,970 sq. ft.) requires mitigation through the removal of existing overwater coverage on site, or through off-site mitigation that increases fish habitat.

To address mitigation of this impact, a mitigation plan will need to be developed by a qualified professional showing removal of overwater coverage and/or appropriate restoration of shoreline conditions in Lake Washington Ship Canal or Lake Union that is acceptable to City of Seattle DPD and of appropriate scale to mitigate for short-term and long-term impacts to aquatic habitat caused by this project together. Alternatively, a payment can be made in lieu of a mitigation plan as acceptable mitigation. The payment would be used by the City to fund a capital project to improve the shoreline at a location adjacent to the Lake Washington Ship Canal or Lake Union. The capital project would contribute to the enhancement of the aquatic environment within the same drainage basin and as close to the impacted area as possible. The payment in lieu would mitigate the impacts of the project and benefit the fish population and aquatic environment equivalent to development of a mitigation plan for such by the developer.

The conditions of this project will include the above stated mitigation.

Environmental Health/Water Quality

SEPA Policy 25.05.675-F provides the authority to mitigate impacts resulting from toxic or hazardous materials and transmissions. The location of the subject project is over the water and this area will be used for boat repair work. Material that will be used at the site includes but is not limited to: fiberglass, fiberglass resin, paint, gelcoat, and petroleum products. There exists potential to drop some of this hazardous material into the water and this would adversely impact water quality, plants and animals and the general welfare of the aquatic environment. Additionally, other work such as sanding can introduce deleterious material into the aquatic environment. In light of this, the proposal will be conditioned to require that all people that repair boats or use any deleterious material in association with this project shall read, sign and follow the Best Management Practices Plan developed for this site. This plan includes a description of preventative measures that shall be used to prevent toxic substances from entering the Lake Washington Ship Canal, measures that will be taken, in the event of a toxic spill, and the requirement that an emergency spill kit be kept at the site. Additionally, trained personnel will be required to be on-site to implement the toxic spill clean-up plan.

DECISION SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance with conditions. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

Prior to Issuance of Master Use Permit

1. The plans shall be revised to show full translucency on the north and west walls of the building, to clarify that the south side of the structure is open, and to include a notation that additional translucency will be added to the extent feasible based on building code standards on the west wall abutting the adjacent property line.
2. A Best Management Practices Plan shall be developed that includes the Best Management Practices in Appendix A, as well as a Spill Plan to ensure that hazardous or toxic materials are controlled during normal operation and repair work. Additionally, this plan shall include measures that will be taken in the event of a toxic spill, and the requirement that an emergency spill kit be kept at the site. The appropriate number of personnel shall be trained to ensure the proper implementation of this plan.
3. The Best Management Practices Plan shall be finalized by the applicant in a form acceptable to the Department. The Best Management Practices Plan as set forth in Attachment A, shall be an integral part of the conditions of the permit.

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards shall be laminated with clear plastic or other waterproof material and shall remain posted on-site for the duration of the construction.

4. Remove underwater debris in the near shore area of the site to the extent that such removal is determined by the Washington State Department of Fish and Wildlife to have a net benefit to water quality.
5. The time-frame for moving the floating repair vessel into place and for removal of underwater debris will be restricted to October 1 through April 15, consistent with the Corps of Engineers Chinook Salmon and Bull Trout Work Windows for the Lake Washington Ship Canal System.
6. Implement appropriate Best Management Practices (BMPs) that will keep any hazardous material or any other debris from entering the waters of the Lake Washington Ship Canal.

Permanent for the Life of the Project:

7. Each person that repairs boats at this site shall be required to read, sign, and follow the Best Management Practices Plan that has been developed for this project.
8. The activity at the facility shall be limited to those activities exempt from the Boatyard General permit as listed below, unless a Boatyard General permit is obtained and maintained for the site:
 - Use of tidal grids solely for emergency repair and marine surveys,
 - Minor engine repair or maintenance within the engine space without vessel haulout,
 - Topside cleaning, detailing and bright work,
 - Electronics servicing and maintenance,
 - Marine Sanitation Device (MSD) servicing and repair that do not require haul-out,
 - Vessel rigging, minor repairs or modifications (25% or less of the vessel's surface to the vessel's superstructure).
9. Cleaning, repair, modifications, surface preparation or coating of any portion of a vessel's hull while the vessel is afloat is prohibited. If this work is necessary, then the vessel shall be hauled out into the upland portion of the a facility covered by a Boatyard General Permit or a facility covered by an individual permit issued in accordance with the provisions of Chapter 173-220 WAC.
10. The spill prevention kit shall be located on site and at least three (3) employees shall be properly trained in using the spill protection kit.

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Prior to Issuance of Master Use Permit

11. In addition to the SEPA conditions above, the owner(s) and/or responsible parties shall accomplish one of the following mitigation options:

- A. Provide a mitigation plan developed by a qualified professional showing removal of overwater coverage and/or appropriate restoration of shoreline conditions in Lake Washington Ship Canal or Lake Union that is acceptable to City of Seattle DPD and of appropriate scale to mitigate for short-term and long-term impacts to aquatic habitat caused by this project together with the conditions above, or
- B. Make a payment of \$15,000 in lieu of conditions 11A. and 12 as acceptable mitigation. This payment will be used to fund a capital project to improve the shoreline condition at a location adjacent to the Lake Washington Ship Canal or Lake Union. This capital project will contribute to the enhancement of the aquatic environment within the same drainage basin and as close to the impacted area as possible. Therefore the payment in lieu will mitigate the impacts of the project and benefit the same fish population and aquatic environment as conditions 11A. and 12.

Prior to Issuance of any Temporary or Permanent Certificate of Occupancy and for the Life of the Project:

12. Unless the Payment in Lieu Option has been chosen, the owner(s) and/or responsible parties shall ensure and provide sufficient documentation that the restoration plan outlined in condition 11A. is implemented as described in the DPD-approved mitigation plan.

Signature: (signature on file)
Holly E. Anderson, Land Use Planner
Department of Planning and Development

Date: June 5, 2008

ATTACHMENT A – BEST MANAGEMENT PRACTICES PLAN

MASTER YACHT MARINE BEST MANAGEMENT PRACTICES FOR CUSTOMERS

1. All self employed boat workers must register and receive approval from manager before beginning any work on marina property.
2. Owners can perform self-help projects as required to maintain their vessels safety, appearance and utility. New work or substantial improvements encompassing more than 25 percent of the superstructure's surface must be reviewed by manager.
3. Master Yacht Marine requires all vessel owners to adhere to the following Best Management Practices when occupying Boat Repair Shed.

ENGINES

- Use bilge sponges to absorb oil and fuel.
- Recycle oil and diesel.
- Dispose of diesel, gasoline, used oil and oil filters properly.
- Dispose of batteries at recyclers.

PAINTING AND VARNISHING

- Use biodegradable cleansers and teak cleaners.
- Limit the amount of open solvents or paints on dock to one gallon.
- Tax paints and epoxy over a tarp.
- Use a drip pan and drop cloth.
- No spray painting within the marina.
- Use up the remaining blobs of paint by painting an old board.
- Dispose of all waste and unused portions properly, contact manager for help.

SEWAGE & GREYWATER

- Untreated sewage must never be discharged directly overboard.
- Store sewage in your holding tank and dispose at pump out stations.
- Insure Type I systems work properly and use it only while underway.
- Use shore side facilities as often as possible.

SOLID WASTE DISPOSAL

- Dispose of all garbage on shore in proper dockside containers / do not store material on docks.
- Empty paint cans and let them dry before disposing in the trash.
- Recycle green, brown, and clear glass, newspaper and aluminum.
- Break down cardboard and add to the recycling container.

CHEMICAL STORAGE

- Purchase only the size of chemical/paints you need.
- Storage of paints and solvents should be reviewed every 6 months.
- Do not store more than three gallons total of paints/solvents.

SCRAPING AND PREP

- Liberally use tarps to capture all scrapings, debris, end drips.
- Vacuum dust and debris every time you move the tarp or every hour.

OPERATIONAL BMPS

General Requirement

All Boat shed occupants shall implement the applicable source reduction and best management practices (BMPs) included in this section. Boatyard employees, contractors, boat owners and other customers shall be informed and provided copies of these BMPs. The BMPs shall be posted conspicuously within the work areas.

In-Water Vessel Maintenance and Repair

Cleaning, repair, modifications, surface preparation or coating of any portion of a vessel's hull while the vessel is afloat is prohibited.

If more extensive work is necessary, then the vessel shall be hauled out into the upland portion of the a facility covered by this general permit or an individual permit issued in accordance with the provisions of Chapter 173-220 WAC. *The following is a list of nearby facilities that meet this criteria and where such work could occur:* _____

Repairs, modifications, surface preparation or coating of a vessel's topside or superstructure shall be limited to 25% of the topside or superstructure surface where the deck composes one collection surface.

When stripping, sanding, scraping, grinding, sandblasting, painting, coating and/or varnishing any portion of a vessel in-water, all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids shall be collected and managed to prevent their release into the environment and entry into waters of the state.

Drop cloths, tarpaulins, drapes, shrouding or other protective devices shall be securely fastened between various portions of the vessel or between the vessel and the dock, pier, boathouse, bulkhead or shoreline; to collect all such materials. No work shall be done from a float or another boat. The cleanup of all collected materials shall be conducted daily to prevent their release into the environment and entry into waters of the state.

Solids Management

All particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids from work, service and storage areas of the boatyard shall be collected and managed on a routine basis to prevent their release into the environment and entry into waters of the state. Dry cleaning of solids shall be utilized whenever possible. Solids shall not be washed into any surface water or into a stormwater collection system.

Chemical, Paint and Oil Management

1. Paint and Solvent Use

Paints and solvents shall be used in such a manner as to prevent their release into the environment and entry into waters of the state. Drip pans, drop cloths, tarpaulins or other protective devices shall be used during surface preparation, paint and solvent transfer, paint mixing, and application unless completely enclosed in a building.

Painting of the hull surface over water is prohibited except for minor touchup, such as the vessel numbers, with non-metallic paints. When painting decks or superstructure, paint cans shall be placed in a drip pan on top of a drop cloth or tarpaulin. Paints and solvents shall only be mixed at secure locations onshore or onboard a vessel.

The use of tributyltin anti-fouling paint is severely restricted. Paints containing tributyltin are prohibited from use on any vessel less than 25 meters in length (82 feet) except as applied by a licensed applicator for the painting of outboard motors and outdrives of vessels less than 25 meters in length. Only persons with a current Washington State Department of Agriculture pesticide applicator's license may purchase, handle and apply tributyltin.

2. Oils and Bilge Water Management

Hydraulic fluids, oily wastes and petroleum products shall not be discharged to waters of the state.

Bilge water discharges shall not cause any visible sheen in waters of the state. Bilge waters shall not be discharged to waters of the state if solvents, detergents, emulsifying agents or dispersants have been added. If a vessel is moved prior to pumping out the bilge, absorbent pads shall be used to prevent the accidental discharge of oils to waters of the state.

Drip pans or other containment devices shall be used during all petroleum product transfer operations to catch incidental leaks and spills. Absorbent pads and/or booms shall be available during over water petroleum transfer operations.

3. Sacrificial Anode (Zincs) Management

Zincs used as sacrificial anodes shall not be disposed of into waters of the state. Spent zincs shall be stored in a covered container and be recycled for their material value.

4. Chemical Management

Solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries, shall be protected from inclement weather and stored in a manner which prevents their release into the environment and entry into waters of the state.

Wash Pad Decontamination

Prior to actively pumping or passively discharging any stormwater from the pressure wash pad to waters of the state, the pad shall be cleaned of all debris, paint waste, sludge and other solids. Then the entire pad shall be pressure washed into the collection sump and the sump cleaned of all debris and other solids.

Sewage Discharges

Owners of vessels moored for repair or under repair at a permitted facility shall be notified in writing by the Boat Repair Shed operator that this permit prohibits the discharge of sewage into waters of the state. Sanitary waste discharges shall be to either the sanitary sewer or into a holding tank. At a minimum, the Boat Repair Shed operator shall make available a list of contractors providing holding tank pump out services.

Solid Waste Management

The Boatshed operator shall manage all solid waste materials, including leachate, to prevent their release into the environment and entry into waters of the state.

Spill Plan

The discharge of oils and hazardous materials into waters of the state is strictly prohibited. The Boat Repair Shed operator shall develop and implement a spill control plan designed to prevent spills, accidental releases and unplanned discharges.

The spill control plan shall include:

1. A description of the reporting system which will be used to immediately alert facility managers and legal authorities (i.e. Department of Ecology and United States Coast Guard) in the event of a spill or unpermitted discharge.
2. A description of preventative measures and facilities, including an overall facility plot plan showing drainage patterns, which prevent, contain or treat spills or unpermitted discharges. The use of dispersants and emulsifiers is prohibited without specific approval from the Director of the Department of Ecology.
3. A list of all oils and chemicals used, processed or stored at the facility which may be spilled or discharged into waters of the state.